

### **C. REMARKS**

The claims have been amended in order to place the application in better form. Such amendment is not to be construed as an admission by Applicants or Applicants' attorney that the claims, prior to the amendment thereof, were unpatentable.

Claims 1, 2, 4, 5, 8, 9, 11-13, 16, 17, 19, 21, 24, 26-28, 30, and 32 stand rejected under 35 U.S.C. 102(b) as being anticipated by Soiffer, et al., as evidenced by U.S. Patent No. 5,736,396. This rejection is respectfully traversed.

The present invention is directed to methods of inducing a reduced immune response to donor tissue, reducing an immune response against recipient tissue by donor tissue, and of treating a transplant recipient for graft versus host disease. Such reduced immune responses are induced by at least one member selected from the group consisting of isolated fibroblasts and a supernatant from an isolated fibroblast culture.

Soiffer discloses bone marrow transplantation employing CD6 depleted allogeneic bone marrow for acute leukemia in patients in first remission. Such treatment was found to be effective in consolidating remissions of high-risk patients with acute leukemia in first remission without excessive toxicity.

The Examiner has taken the position that because the '396 patent teaches that bone marrow includes fibroblasts, Soiffer, which teaches bone marrow transplantation, anticipates the claimed invention. Soiffer, however, does not disclose or even remotely suggest to one of ordinary skill in the art a method of inducing a reduced immune response to donor tissue, or a method of reducing an immune response against recipient tissue by donor tissue, of a method of treating a transplant recipient for graft versus host

disease by administering isolated fibroblasts or a supernatant from an isolated fibroblast culture. Therefore, Soiffer does not anticipate Applicants' methods as claimed, nor does Soiffer render Applicants' methods as claimed obvious to one of ordinary skill in the art. It is therefore respectfully requested that the rejection under 35 U.S.C. 102(b) be reconsidered and withdrawn.

Claims 6, 7, 10, 20, 22, and 31 stand rejected under 35 U.S.C. 103 as being unpatentable over Soiffer, et al. in view of Donnelly, et al. This rejection is respectfully traversed.

As stated hereinabove, Soiffer does not disclose or even remotely suggest to one of ordinary skill in the art the administration of isolated fibroblasts or a supernatant from an isolated fibroblast culture in order to induce a reduced immune response to donor tissue, to reduce an immune response against recipient tissue by donor tissue, or to treat a transplant recipient for graft versus host disease.

Donnelly teaches that corneal stromal fibroblasts did not induce proliferative responses by allogeneic peripheral blood mononuclear cells *in vitro*, and that such fibroblasts inhibited mixed leukocyte reactions between peripheral blood mononuclear cells of allogeneic donors. Donnelly, however, does not disclose or even remotely suggest to one of ordinary skill in the art that one may administer isolated fibroblasts or a supernatant from an isolated fibroblast culture in order to induce a reduced immune response against donor tissue, to reduce an immune response against recipient tissue by donor tissue, or to treat a transplant recipient for graft versus host disease.

The combination of Soiffer and Donnelly, therefore, does not even remotely suggest to one of ordinary skill in the art that one may administer isolated fibroblasts or a

supernatant from an isolated fibroblast culture, in order to induce a reduced immune response against donor tissue, to reduce an immune response against recipient tissue by donor tissue, or to treat a transplant recipient for graft versus host disease. Because the combination of Soiffer and Donnelly does not even remotely suggest Applicants' claimed methods to one of ordinary skill in the art, the combination of Soiffer and Donnelly fails to meet the standard for obviousness set by 35 U.S.C. 103. It is therefore respectfully requested that the rejection under 35 U.S.C. 103 be reconsidered and withdrawn.

For the above reasons and others, this application is in condition for allowance, and it is therefore respectfully requested that the rejections be reconsidered and withdrawn and a favorable action is hereby solicited.

Respectfully submitted,

A handwritten signature in cursive script, reading "Raymond J. Lillie".

Raymond J. Lillie  
Registration No. 31,778

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